test date. Protocols for the stack testing and for the concurrent CEMS operation and data collection shall be submitted to the department no later than 15 days before the scheduled test date. A representative of the department shall be permitted to witness the tests. Results of the tests and CEMS certification shall be submitted in writing to the department in the form of a comprehensive test and CEMS certification report within six weeks of the completion of the testing.

c. The owner or operator of an affected source shall comply with the provisions of 25.3(1) until such time as the department approves use of CEMS.

d. Upon receiving department approval for CEMS use, the owner or operator of an affected source shall operate and record CEMS data, including calibrating each individual CEMS for zero and span on a daily basis, and shall provide all CEMS data to the department upon written request. CEMS certification shall be completed on an annual basis according to the procedures specified in paragraph 25.3(3)*"a."*

25.3(4) *EPA-required stack testing for mercury.* If the owner or operator of an affected source is required by EPA to complete stack testing for mercury, the owner or operator may submit a written request to the department that the EPA-required stack test be allowed to fulfill all or part of the testing requirements specified in 25.3(1). The department shall consider each such request on a case-by-case basis.

25.3(5) *Affected sources subject to Section 112(g).* The owner or operator of an affected source subject to the requirements of Clean Air Act Section 112(g) shall comply with the requirements contained in permits issued by the department under 567—Chapters 22 and 33.

ITEM 5. Rescind and reserve rules **567—34.300(455B)** to **567—34.308(455B)** and add the following note after each rescinded rule:

*As of November 11, 2009, the requirements for the Clean Air Mercury Rule (CAMR) are rescinded and the adoption by reference of federal regulations associated with CAMR is also rescinded. On March 14, 2008, the United States Court of Appeals for the District of Columbia Circuit issued its mandate to vacate the federal CAMR regulations in their entirety.

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ARC 8214B

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby amends Chapter 61, "Water Quality Standards," and Chapter 62, "Effluent and Pretreatment Standards: Other Effluent Limitations or Prohibitions," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 17, 2009, as **ARC 7853B**. Seven public hearings were held with notice of the hearings sent to various individuals, organizations, associations and interest groups, and to statewide news network organizations. Comments were received from approximately 16 persons and organizations. No comments were received that resulted in any substantial changes to the proposed amendments. A responsiveness summary addressing the comments can be obtained from the Department of Natural Resources.

The adopted amendments change the Commission's Water Quality Standards (WQS) as summarized below. The changes:

- Establish numerical water quality criteria for chloride for the protection of aquatic life uses.
- Establish numerical water quality criteria for sulfate for the protection of aquatic life uses.
- Update the effective date of references to the "Supporting Document for Iowa Water Quality Management Plans" found in 567—Chapters 61 and 62 to reflect the removal of the total dissolved solids site-specific approach and the revision of the sulfate ion guideline value.

• Revise the default hardness level used for hardness-dependent chemical criteria from 100 mg/l (as $CaCO_3$) to 200 mg/l.

Additional information on Iowa's Water Quality Standards and the Department's rules can be found on the Department's Web site at http://www.iowadnr.com/water/standards/index.html.

These amendments may have an impact upon small businesses.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1.

These amendments will become effective November 11, 2009.

The following amendments are adopted.

ITEM 1. Strike "June 16, 2004" wherever it appears in **567—Chapter 61** and **Chapter 62** and insert "November 11, 2009" in lieu thereof.

ITEM 2. Amend paragraph **61.3(2)"g"** as follows:

g. ~~Acceptable levels of total dissolved solids (TDS) and constituent cations and anions will be established on a site-specific basis. The implementation approach for establishing the site-specific levels~~ Cations and anions guideline values to protect livestock watering may be found in the "Supporting Document for Iowa Water Quality Management Plans," Chapter IV, July 1976, as revised on November 11, 2009.

ITEM 3. Amend subrule **61.3(3)**, TABLE 1. Criteria for Chemical Constituents, parameters for cadmium, chloride, copper, lead, nickel and zinc, as follows:

		Use Designations							
Parameter		B(CW1)	B(CW2)	B(WW-1)	B(WW-2)	B(WW-3)	B(LW)	C	HH
Cadmium	Chronic	1	—	~~.27~~(h) .45(h)	~~.27~~(h) .45(h)	~~.27~~(h) .45(h)	1	—	—
	Acute	4	—	~~2.13~~(h) 4.32(h)	~~2.13~~(h) 4.32(h)	~~2.13~~(h) 4.32(h)	4	—	—
	Human Health + — Fish	—	—	—	—	—	—	—	168(e)
	MCL	—	—	—	—	—	—	5	—
Chloride	Chronic	389(m)*	389(m)*	389(m)*	389(m)*	389(m)*	389(m)*	—	—
	Acute	629(m)*	629(m)*	629(m)*	629(m)*	629(m)*	629(m)*	—	—
	MCL	—	—	—	—	—	—	250*	—
Copper	Chronic	20	—	~~9.3~~(i) 16.9(i)	~~9.3~~(i) 16.9(i)	~~9.3~~(i) 16.9(i)	10	—	—
	Acute	30	—	~~14~~(i) 26.9(i)	~~14~~(i) 26.9(i)	~~14~~(i) 26.9(i)	20	—	—
	Human Health + — Fish	—	—	—	—	—	—	—	1000(e)
	Human Health + — F & W	—	—	—	—	—	—	—	1300(f)
Lead	Chronic	3	—	~~3.2~~(j) 7.7(j)	~~3.2~~(j) 7.7(j)	~~3.2~~(j) 7.7(j)	3	—	—
	Acute	80	—	~~81.7~~(j) 197(j)	~~81.7~~(j) 197(j)	~~81.7~~(j) 197(j)	80	—	—
	MCL	—	—	—	—	—	—	50	—
Nickel	Chronic	350	—	~~52~~(k) 93(k)	~~52~~(k) 93(k)	~~52~~(k) 93(k)	150	—	—
	Acute	3250	—	~~470~~(k) 843(k)	~~470~~(k) 843(k)	~~470~~(k) 843(k)	1400	—	—
	Human Health + — Fish	—	—	—	—	—	—	—	4600(e)
	Human Health + — F & W	—	—	—	—	—	—	—	610(f)

Parameter		Use Designations B(CW1)	B(CW2)	B(WW-1)	B(WW-2)	B(WW-3)	B(LW)	C	HH
Zinc	Chronic	200	—	~~120~~[l] 215[l]	~~120~~[l] 215[l]	~~120~~[l] 215[l]	100	—	—
	Acute	220	—	~~120~~[l] 215[l]	~~120~~[l] 215[l]	~~120~~[l] 215[l]	110	—	—
	Human Health + — Fish	—	—	—	—	—	—	—	26*[e]
	Human Health + — F & W	—	—	—	—	—	—	—	7.4*[f]

* units expressed as milligrams/liter

ITEM 4. Amend subrule **61.3(3)**, TABLE 1. Criteria for Chemical Constituents, footnotes (h) to (l), as follows:

(h) Class B(WW-1), B(WW-2), and B(WW-3) criteria listed in main table are based on a hardness of ~~100~~ 200 mg/l (as $CaCO_3$ (mg/l)). Numerical criteria (µg/l) for cadmium are a function of hardness (as $CaCO_3$ (mg/l)) using the equation for each use according to the following table:

	B(WW-1)	B(WW-2)	B(WW-3)
Acute	$e^{[1.0166Ln(Hardness) - 3.924]}$	$e^{[1.0166Ln(Hardness) - 3.924]}$	$e^{[1.0166Ln(Hardness) - 3.924]}$
Chronic	$e^{[0.7409Ln(Hardness) - 4.719]}$	$e^{[0.7409Ln(Hardness) - 4.719]}$	$e^{[0.7409Ln(Hardness) - 4.719]}$

(i) Class B(WW-1), B(WW-2), and B(WW-3) criteria listed in main table are based on a hardness of ~~100~~ 200 mg/l (as $CaCO_3$ (mg/l)). Numerical criteria (µg/l) for copper are a function of hardness ($CaCO_3$ (mg/l)) using the equation for each use according to the following table:

	B(WW-1)	B(WW-2)	B(WW-3)
Acute	$e^{[0.9422Ln(Hardness) - 1.700]}$	$e^{[0.9422Ln(Hardness) - 1.700]}$	$e^{[0.9422Ln(Hardness) - 1.700]}$
Chronic	$e^{[0.8545Ln(Hardness) - 1.702]}$	$e^{[0.8545Ln(Hardness) - 1.702]}$	$e^{[0.8545Ln(Hardness) - 1.702]}$

(j) Class B(WW-1), B(WW-2), and B(WW-3) criteria listed in main table are based on a hardness of ~~100~~ 200 mg/l (as $CaCO_3$ (mg/l)). Numerical criteria (µg/l) for lead are a function of hardness ($CaCO_3$ (mg/l)) using the equation for each use according to the following table:

	B(WW-1)	B(WW-2)	B(WW-3)
Acute	$e^{[1.2731Ln(Hardness) - 1.46]}$	$e^{[1.2731Ln(Hardness) - 1.46]}$	$e^{[1.2731Ln(Hardness) - 1.46]}$
Chronic	$e^{[1.2731Ln(Hardness) - 4.705]}$	$e^{[1.2731Ln(Hardness) - 4.705]}$	$e^{[1.2731Ln(Hardness) - 4.705]}$

(k) Class B(WW-1), B(WW-2), and B(WW-3) criteria listed in main table are based on a hardness of ~~100~~ 200 mg/l (as $CaCO_3$ (mg/l)). Numerical criteria (µg/l) for nickel are a function of hardness ($CaCO_3$ (mg/l)) using the equation for each use according to the following table:

	B(WW-1)	B(WW-2)	B(WW-3)
Acute	$e^{[0.846Ln(Hardness) + 2.255]}$	$e^{[0.846Ln(Hardness) + 2.255]}$	$e^{[0.846Ln(Hardness) + 2.255]}$
Chronic	$e^{[0.846Ln(Hardness) + 0.0584]}$	$e^{[0.846Ln(Hardness) + 0.0584]}$	$e^{[0.846Ln(Hardness) + 0.0584]}$

(l) Class B(WW-1), B(WW-2), and B(WW-3) criteria listed in main table are based on a hardness of ~~100~~ 200 mg/l (as $CaCO_3$ (mg/l)). Numerical criteria (µg/l) for zinc are a function of hardness ($CaCO_3$ (mg/l)) using the equation for each use according to the following table:

	B(WW-1)	B(WW-2)	B(WW-3)
Acute	$e^{[0.8473Ln(Hardness) + 0.884]}$	$e^{[0.8473Ln(Hardness) + 0.884]}$	$e^{[0.8473Ln(Hardness) + 0.884]}$
Chronic	$e^{[0.8473Ln(Hardness) + 0.884]}$	$e^{[0.8473Ln(Hardness) + 0.884]}$	$e^{[0.8473Ln(Hardness) + 0.884]}$

ITEM 5. Amend subrule **61.3(3)**, TABLE 1. Criteria for Chemical Constituents, by adopting **new** footnote (m) as follows:

(m) Acute and chronic criteria listed in main table are based on a hardness of 200 mg/l (as $CaCO_3$ (mg/l)) and a sulfate concentration of 63 mg/l. Numerical criteria (µg/l) for chloride are a function of hardness ($CaCO_3$ (mg/l)) and sulfate (mg/l) using the equation for each use according to the following table:

	B(CW1), B(CW2), B(WW-1), B(WW-2), B(WW-3), B(LW)
Acute	$287.8(\text{Hardness})^{0.205797}(\text{Sulfate})^{-0.07452}$
Chronic	$177.87(\text{Hardness})^{0.205797}(\text{Sulfate})^{-0.07452}$

ITEM 6. Adopt the following **new** table 4 in subrule **61.3(3)**:

TABLE 4. Aquatic Life Criteria for Sulfate for Class B Waters

(all values expressed in milligrams per liter)

	Chloride		
Hardness mg/l as $CaCO_3$	Cl^- < 5 mg/l	5 < = Cl^- < 25	25 < = $C1^-$ < = 500
H < 100 mg/l	500	500	500
100 < = H < = 500	500	[–57.478 + 5.79 (hardness) + 54.163 (chloride)] × 0.65	[1276.7 + 5.508 (hardness) –1.457 (chloride)] × 0.65
H > 500	500	2,000	2,000

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ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby amends Chapter 61, "Water Quality Standards," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 11, 2009, as **ARC 7624B**. Six public hearings were held with notice of the hearings sent to various individuals, organizations, associations and interest groups, and to statewide news network organizations. Comments were received from approximately 252 persons and organizations. A responsiveness summary addressing the comments can be obtained from the Department of Natural Resources.

At the July 21, 2009, Environmental Protection Commission meeting, the Commission tabled action on 32 stream segments proposed for Class A2 and approved the remainder of the streams listed in the Notice of Intended Action (see **ARC 8039B**, IAB 8/12/09). At the September 15, 2009, Environmental Protection Commission meeting, the Commission reconsidered the 32 stream segments and adopted the following stream classifications with some amendments:

Class A2 Stream Segments

1. Ballard Creek (Story Co.) – adopted as proposed in the NOIA
2. Black Hawk Creek (Black Hawk/Grundy Co.) – adopted as proposed in the NOIA
3. Blue Creek (Benton/Linn Co.) – changed from Class A2 to Class A1 for the pool downstream of site 160-2